

ESTTA Tracking number: **ESTTA717614**

Filing date: **12/30/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

| | | | |
|---------|--|-------------|-------|
| Name | Genuin Golf and Dress of America Inc. | | |
| Entity | Corporation | Citizenship | Texas |
| Address | 17861 Von Karman Avenue Irvine, CA 92614 UNITED STATES | | |

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|----------------------|--|--|--|
| Attorney information | Edward J. Chalfie Dennemeyer & Associates LLC 120 S. LaSalle Street Suite 1400 Chicago, IL 60603 UNITED STATES echalfie@dennemeyer-law.com, docket@dennemeyer-law.com Phone:312-380-6495 | | |
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Applicant Information

| | | | |
|--------------------------------|--|---------------------------------|------------|
| Application No | 86678755 | Publication date | 12/01/2015 |
| Opposition Filing Date | 12/30/2015 | Opposition Period Ends | 12/31/2015 |
| International Registration No. | NONE | International Registration Date | NONE |
| Applicant | GAB-AL SHOES S.L. Gabriel Miro, 15 Elche, 03201 SPAIN | | |

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Footwear, namely, shoes

Grounds for Opposition

| | |
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| Priority and likelihood of confusion | Trademark Act section 2(d) |
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Mark Cited by Opposer as Basis for Opposition

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|----------------------|----------|-----------------------|------|
| U.S. Application No. | 86861780 | Application Date | |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | NONE | | |
| Design Mark | | | |

| | |
|---------------------|------|
| Description of Mark | NONE |
| Goods/Services | |

| | |
|-------------|--|
| Attachments | GENUINS opposition notice.pdf(206440 bytes) |
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|-------------------|
| Signature | /edwardjchalfie/ |
| Name | Edward J. Chalfie |
| Date | 12/30/2015 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

| | | |
|------------------------|---|-----------------------|
| Genuin Golf and |) | |
| Dress of America Inc., |) | Opposition No.: _____ |
| Opposer, |) | |
| |) | Serial No. 86678755 |
| v. |) | Mark: GENUÏNS |
| |) | |
| Gal-Al Shoes S.L., |) | |
| Applicant. |) | |

NOTICE OF OPPOSITION

Genuin Golf and Dress of America Inc. (“Opposer”), believes it will be damaged and injured by the registration of the mark GENUÏNS, filed June 30, 2015, assigned Serial No. 86678755, and published for opposition in the Official Gazette of December 1, 2015, and hereby opposes the registration of said mark.

As grounds of opposition, Opposer alleges that:

1. Opposer Genuin Golf and Address of America Inc. is a Texas corporation with a principal place of business at 17861 Von Karman Avenue, Irvine CA 92614.
2. Opposer and its predecessor in title have continuously used the mark WALTER GENUIN (“Opposer’s Mark”) in commerce in connection with a wide variety of sportswear, including shoes and golf shoes, since at least as early as 1990, and have not abandoned the same.
3. Opposer have filed for registration of WALTER GENUIN on December 30, 2015, in US trademark application Serial No. 86861780.

4. On information and belief, Applicant GAB-AL SHOES S.L. (“Applicant”), is a sociedad de responsabilidad limitada (sl) organized under the laws of Spain, with a principal place of business at Gabriel Miro, 15 Elche SPAIN 03201.
5. Applicant filed to register the mark GENUÏNS (“Applicant’s Mark”), Serial No. 86678755, on June 30, 2015, for “Footwear, namely, shoes” in International Class 25.
6. Opposer’s Mark is symbolic of Opposer’s extensive goodwill and consumer recognition. As a result of the substantial amounts of time and effort in advertising and promotion, Opposer has developed valuable goodwill in respect of Opposer’s Mark.
7. Applicant’s Mark and Opposer’s Mark are very similar in sound, appearance and meaning.
8. Applicant’s goods and Opposer’s goods are very similar and related.
9. Applicant’s goods and Opposer’s goods are likely to be marketed and sold in the same or similar channels of trade.
10. Applicant’s use of and application to register GENUÏNS is without the consent or permission of Opposer.
11. Applicant’s Mark and Opposer’s Mark are likely to be confused.
12. On information and belief, Opposer’s first use in commerce of Opposer’s Mark precedes Applicant’s first use of Applicant’s Mark in commerce.
13. On information and belief, Opposer’s first use of Opposer’s Mark precedes the filing of Applicant’s application to register Applicant’s Mark in the United States Patent and Trademark OFFICE.

14. Consumers familiar with Opposer's Mark are likely to mistakenly believe that Applicant's marks are sponsored, authorized, associated with or otherwise approved by Opposer because the proposed mark closely resembles Opposer's Mark. Deficiency or faults in the quality of applicant's goods are likely to reflect never negatively upon, tarnish and seriously injure the reputation which Opposer has established for goods provided under Opposer's Mark. This confusion is likely to result in a loss of revenue to Opposer and damage Opposer's reputation.

15. As a result of confusing similarity between Opposer's Mark and Applicant's Mark and because the goods of Applicant and Opposer are very similar if not identical, are in similar channels of commerce, and are directed to similar customers, registration of the proposed mark GENUÏNS in connection with Applicant's goods is likely to deceive purchasers as to the source or sponsorship of such goods, to cause confusion, to cause mistake, or to deceive.

16. Applicant's use of Applicant's Mark does or he is likely to falsely suggest a relationship between Applicant's goods and Opposer's goods. Such use of Applicant's Mark is likely to cause confusion, mistake or deception with respect to the source or sponsorship of Applicant's goods.

17. Opposer is likely to be damaged by registration of Applicant's Mark in that the prima facie effective registration of Applicant's Mark would tend to impair Opposer's right to register Opposer's Mark with the US Patent and Trademark Office.

18. For the foregoing reasons, the registration sought by Applicant is contrary to the provisions of the Lanham Act, and Opposer would be damaged thereby.

WHEREFORE, Opposer prays that the application for registration of the mark GENUÏNS, Serial No. 86678755, be refused and that this Opposition be sustained in favor of Opposer.

Respectfully submitted,

Date: December 30, 2015

By: /edwardjchalfie/
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Attorneys for Opposer

CERTIFICATE OF FILING AND SERVICE

I hereby certify that a true copy of the foregoing Notice of Opposition has been served on the following by mailing said copy on December 30, 2015, via First Class

Mail, postage prepaid, to Applicant at its correspondence address of record:

Jeffrey M. Furr
Furr Law Firm
2622 DeBolt Rd
Utica, OH 43080-9604

_____/edwardjchalfie/